

REMARKS

Applicant thanks the Examiner for his careful consideration given to this application. Reconsideration is now respectfully requested in view of this paper.

Claims 6-16 and 21-25 are pending in this application. Claims 6-16 and 21-25 stand rejected under 35 U.S.C. 103 as being unpatentable over Beckhardt et al. (US Patent # 6,085,166) in view of Capek et al. (US Patent #7,343,312) and Thomas Haynes, Sandip Sen, Neeraj Arora and Rajani Nadella's "An Automated Meeting Scheduling System that Utilizes User Preferences" (hereinafter referred to as Haynes). Applicant traverses these rejections for at least the following reasons.¹

Obviousness under 35 U.S.C. §103(a) is a question of law that is evaluated based on underlying factual questions about the level of skill in the art at the time the invention was made, the scope and content of the prior art, and the differences between the prior art and the asserted claim. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 at 1734, 1745 (2007), (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)). The Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). An applicant may traverse the Examiner's *prima facie* determination as improperly made out. *In re Heldt*, 58 C.C.P.A. 701, 433 F.2d 808, 811, 167 USPQ 676, 678 (CCPA 1970). Applicants submit a *prima facie* case of obviousness is lacking, at least by virtue that the cited references fail, in any combination, to teach or suggest each of the limitations of any of the pending claims.

The claimed embodiments of the present invention provide for meeting planning. Advantageously, the claimed embodiments of the present invention are drawn to a planning system to generate a meeting "in accordance with the at least one business rule and the at least one priority designation . . . wherein said priority designation weights the at least two of the data items for the at least one meeting differently when the meeting editor generates the at least one meeting in accordance with the at least one business rule." *See, Claim 6.*

By way of non-limiting example only, the system may provide specific instructions that are applicable to particular events or event types. *See, Specification, par [223]*. For example, the marketing department within a particular client may limit attendance to 15 attendees per

¹ The following discussion identifies exemplary reference characters, and/or references particular portions of the disclosure. Such identification and/or references do not constitute a representation that any claim element is limited to the embodiment illustrated at any identified character or described in any referenced portion of the disclosure.

meeting, such as due to marketing budgetary constraints. *See, Specification, par [223].* Beckhardt, Capek, and Haynes fail, in any combination, to teach or suggest such a meeting planner.

The Office action asserts Beckhardt teaches “at least one business rule embodied in the computer readable medium.” *See, 9/18/2009, Office action, pg. 5-6.* The Office action further asserts Beckhardt teaches “a meeting editor embodied in the computer readable medium, wherein at least one meeting is generated for at least one client by the meeting editor in accordance with the at least one business rule and the at least one priority designation.” Applicant traverses these assertions for at least the following reasons. *See, 9/18/2009, Office action, pg. 8.*

The cited portions of Beckhardt merely teach prompting a user to change work hours, time zones or places of work to conform with a travel itinerary and accommodate a meeting. *See, Beckhardt, col. 5, l. 32 – col. 7, l. 15.* For purposes of completeness, Examiner’s attention is drawn to the definition of a business rule in the BPAI decision of the related U.S. patent application Ser. No. 10/440,521, attached as Appendix A. A business rule governs aspects of a particular type of meeting and is more than just a collection of meeting parameters that define a single meeting. *See, Appendix A, pg. 11, ll. 1-4.* In particular, a business rule governs the process of a specific type of meeting being defined and we construe a business rule to be an expression that defines the availability of meeting parameters for a particular type of meeting. *See, Appendix A, pg. 11, ll. 6-9.* Thus, prompting a user to change work hours, time zones or places of work to conform with a travel itinerary and accommodate a meeting is not a business rule. Rather, it is merely the prompting of a user of a potential temporal conflict. Accordingly, and contrary to the asserted rejections, Beckhardt does not teach or suggest “at least one business rule embodied in the computer readable medium,” – as recited in Claim 6.

Accordingly, since Beckhardt fails to teach or suggest at least one business rule, it also fails to teach or suggest “a meeting editor embodied in the computer readable medium, wherein at least one meeting is generated for at least one client by the meeting editor in accordance with the at least one business rule and the at least one priority designation.”

The Office action refers to select portions of Capek to remedy the shortcomings of Beckhardt. *See, 9/18/2009, Office action, pg. 10.* Applicants traverse this assertion for the following reasons.

The asserted rejections do not rely upon Capek or Haynes in this regard, such that their asserted combined teachings fail to reach the claimed invention. For non-limiting purposes of completeness, Capek is relied upon **merely** for its purported teachings of the weighting of a plurality of meeting parameters differently when in accordance with a business rule for a meeting. *See, 9/18/2009, Office action, pg. 10.* And, Haynes is relied upon merely for its purported teachings of business rules associating at least two of the data items together in combination with and independently of the at least one meeting. *See, 9/18/2009, Office action, pgs. 11-12.*

Accordingly, Applicant requests reconsideration and withdrawal of the rejection of Claim 6 under 35 U.S.C. §103. Applicant also requests reconsideration and withdrawal of the rejections of Claims 7-16 and 21-25 under 35 U.S.C. §103, at least by virtue of the Claim's ultimate dependency upon a patentably distinct base Claim 6.

Accordingly, Applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 03-2775, under Order No. 16576-00010-US from which the undersigned is authorized to draw.

Dated: January 19, 2010

Respectfully submitted,

Electronic signature: /Jonathan M. Darcy/
Jonathan M. Darcy
Registration No.: 44,054
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant